

SMOKEFREE
nebraska

So long smoke. Hello clean air.

Six Months of Smoke-Free Air
The Nebraska Clean Indoor Air Act



January 2010

Executive Summary

Background

In February, 2008 the Nebraska Legislature passed and the Governor signed the Nebraska Clean Indoor Air Act. And on June 1, 2009, Nebraska became the 16th state to implement a law prohibiting smoking in workplaces, restaurants, bars, and gaming establishments. The purpose of the Nebraska Clean Indoor Air Act is to protect the public health and welfare by prohibiting smoking in public places and places of employment.

Secondhand Smoke is a Hazard

Science has shown that exposure to secondhand smoke is hazardous to non-smokers. In adults it can cause cancer, cardiovascular diseases and respiratory problems. In children, it can cause respiratory problems, middle-ear infections, SIDS and respiratory problems.

Support for Nebraska's Smoke-Free Air Law

- Nebraskans overwhelmingly support the statewide Smoke-Free Air Law (Nebraska Clean Indoor Air Act) that protects non-smokers from secondhand smoke in public places including bars, restaurants and gaming establishments.
- Nebraskans believe it is important to have a law prohibiting smoking inside most public buildings, including restaurants and bars.
- Nebraskans overwhelmingly agree that restaurants and bars in the state are healthier for employees and customers as a result of the law.

- Nebraskans still frequent restaurants, bars, bowling alleys, bingo halls and keno establishments as much as they did before the Smoke-Free Air Law went into effect.

Smoke-Free Air Law and Cessation

From July to September 2009, almost one in five callers to the Nebraska Tobacco Quitline said they were influenced to call as a result of the Smoke-Free Air Law.

Introduction

In issuing a groundbreaking report on secondhand smoke in 2006, former U.S. Surgeon General Richard Carmona said, "The debate is over. The science is clear: Secondhand smoke is not a mere annoyance, but a serious health hazard. Workplace smoking restrictions are effective in reducing secondhand smoke exposure."¹ Breathing secondhand smoke is harmful to nonsmokers and contributes to diseases, disabilities and death. Evidence has shown that secondhand smoke causes heart disease, lung cancer and a host of other illnesses. However, millions of nonsmoking Americans are regularly exposed to secondhand smoke and tens of thousands die each year as a result.

The message about the detrimental health effects of secondhand smoke exposure has resonated across the state. On June 1, 2009, Nebraska became the 16th state to implement a law prohibiting smoking in workplaces, restaurants, bars, and gaming establishments. Citing "mounting evidence that communities and states become healthier once smoke-free laws go into effect," Dr Joann Schaefer, Nebraska's Chief Medical Officer, noted Nebraskans will enter "a new era of better health and wellness" when the law goes into effect.²

The law prohibits smoking in indoor workspaces and indoor public spaces. The only exceptions are for up to 20 percent of hotel rooms, tobacco-only retailers, cigar bars, facilities researching the health effects of smoking, and private residences, except when a residence is being used as a licensed child care program.

This report provides an initial evaluation of the Nebraska Smoke-Free Air Law.

Objectives of the Report

- To assess the implementation process of the Nebraska Smoke-Free Air Law.

¹ The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General, U.S. Department of Health and Human Services (USDHHS), 2006

- To assess compliance with the law after implementation.
- To assess the attitudes and behaviors of Nebraskans towards the law both before and after implementation.

Implementation

The Nebraska Clean Indoor Air Act was passed by the Nebraska Unicameral and signed by the Governor in February 2008 and went into effect on June 1, 2009. The period between passage and implementation provided the Nebraska Department of Health and Human Services (NDHHS) opportunity to promulgate rules and regulations and to educate the business community and the general public about the law and provide implementation resources.

Pre-implementation activities involved partnering with stakeholders at the local level to ensure smooth implementation of the law. Local health departments worked in collaboration with local stakeholders, including tobacco prevention coalitions and Chambers of Commerce. At the state level, partnerships between NDHHS, the Nebraska Restaurant Association, Big Red Keno, Inc., and the Nebraska Liquor Control Commission were vital toward raising awareness about the law in the business community. Materials created and distributed by DHHS included brochures, posters, frequently asked questions, factsheets, decals and articles.

Resources

Nearly a year before the law was implemented; the NDHHS Division of Public Health established the SmokeFree.ne.gov Web site as a clearinghouse for information about the law. On the site:

² Nebraska Department of Health & Human Services, May 21, 2009, News Release, <http://bit.ly/8fLQdf>

- Business owners were able to find materials to share with their employees and customers.
- Frequently asked questions were posted as well as guidance documents on how to implement the law.
- The public found information on how the law will impact them.

As implementation drew nearer, visits to the Web site increased, peaking with nearly 10,000 hits to the site in May 2009. The site remains live as a resource.

NDHHS also established a toll-free information line, 1-877-633-7331, and e-mail address: smoke.free@dhhs.ne.gov as additional ways to communicate and ask questions about the law.

Calls to the toll-free information line increased as implementation drew nearer as well. The primary questions asked by callers related to:

- Whether or not there were restrictions regarding distance from doors that smoking would be allowed.
- Outdoor area building code restrictions.
- Private club exemptions.

Local Health Department Implementation Activities

NDHHS provided small grants to local health departments throughout the state for education and awareness activities leading up to the law's implementation. As part of their efforts, many local health departments visited businesses to educate them about the law and to answer questions. They also conducted media awareness activities by placing ads in local newspapers and on radio stations. Additionally, a number of departments organized countdowns celebrating the law's implementation.

Compliance and Enforcement

The Nebraska Smoke-Free Air Law was implemented with a high level of compliance and few reported complaints. As shown in Figure 1, a total of 108 complaints were reported from June 1 through November 30, 2009. The majority of the complaints occurred in June right after the law was implemented and have tapered off since.

Complaint Overview

- 108 total complaints
- 82 businesses identified in the complaints
- 45 complaints received in June 2009
- 81 complaints received from outside of Lincoln, Omaha, Grand Island and Humboldt where local smoke-free ordinances were already in effect.

Figure 1: Nebraska Smoke-Free Air Law Complaints by Month

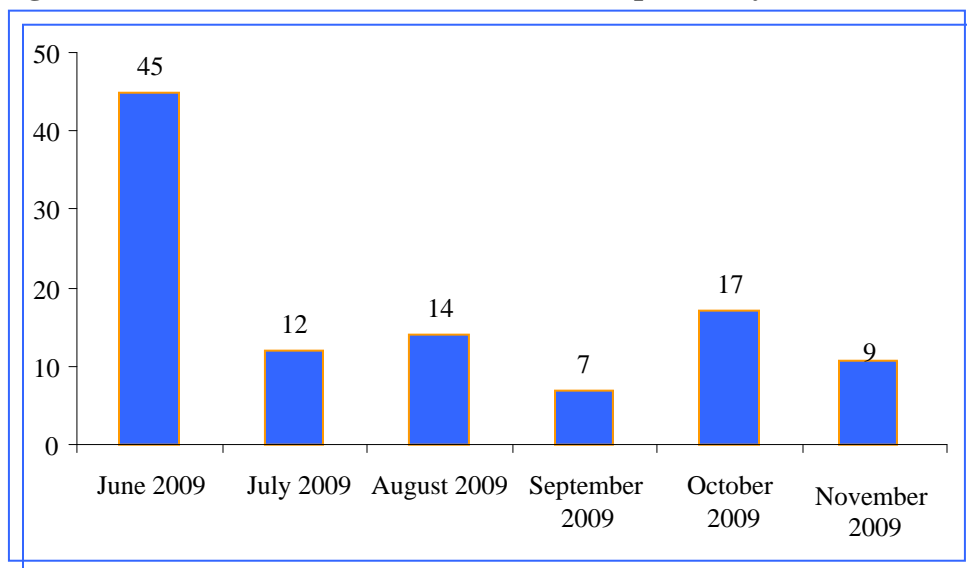


Table 1: Complaint Data by Business Type

Business Type	Number of Complaints
Bar	18
Bar/Restaurant	16
Government	5
Gas/Service Station	4
Apartment Complex	4
Retail	4
Restaurant	3
Assisted Living	1
Other	26

Public Opinion of the Law

To measure public opinion about the Nebraska Smoke-Free Air Law, a number of questions were added to the Nebraska Adult Tobacco Survey/Social Climate Survey (ATS/SCS) – a statewide rolling sample survey designed to measure changes in attitude and behavior. The Nebraska ATS/SCS is based on the National ATS and Social Climate Survey of Tobacco Control (SCS-TC). SCS-TS was developed as a way to objectively measure the fundamental position of tobacco control in society and thereby provide a data collection system to monitor program impacts.³

ATS/SCS is a computer-assisted telephone interview survey that uses the U.S. Centers for Disease Control and Prevention (CDC) telephone survey protocol. Potential respondents are selected by random digit dial. This procedure ensures that all households with a home phone have an equal chance of being called.

³ Social Research Center, Mississippi State University, 2000

The Nebraska ATS/SCS survey measured four main components related to the Smoke-Free Air Law including:

1. Support for the law,
2. Importance of the law,
3. Health impact on employees and customers, and
4. Frequency of visits to hospitality businesses after the law passed.

Support for the Law

Nebraskans were asked whether they supported the Smoke-Free Air Law. The question was asked both prior to implementation, as well as after the law went into effect. As shown in Table 2, support for the law was high prior to implementation (80.6%) and remained high after implementation, as well (80.0%).

Table 2: Support for the Law

	June 2008 – May 2009	June 2009 – Sept 2009
Support	80.6%	80.0%
Oppose	19.4%	20.0%
Sample size (n)	2883	1168

Importance of the Law

Nebraskans were asked how important it was to have a statewide law that prohibited smoking inside most public buildings, including restaurants and bars. Results in Table 3 show that over 80 percent of adult Nebraskans thought the law was important both before and after implementation.

Table 3: Importance of Law

	June 2008 – May 2009	June 2009 – Sept 2009
Important	83.7%	82.0%
Not Important	16.3%	18.0%
Sample size (n)	2899	1176

Health Impact on Employees and Customers

Evidence shows that adopting smoke-free policies improves the health of employees and the public. Nebraskans were asked if they agreed that restaurants and bars in Nebraska will be healthier for employees and customers once the Smoke-Free Air Law goes into effect and after implementation. Table 4 shows that over 85 percent of Nebraskans agreed that restaurants and bars would be, or were, healthier for employees and customers as a result of the law.

Table 4: Restaurants and Bars are Healthier

	June 2008 – May 2009	June 2009 – Sept 2009
Agree	87.4%	86.0%
Disagree	12.6%	14.0%
Sample size (n)	2885	1167

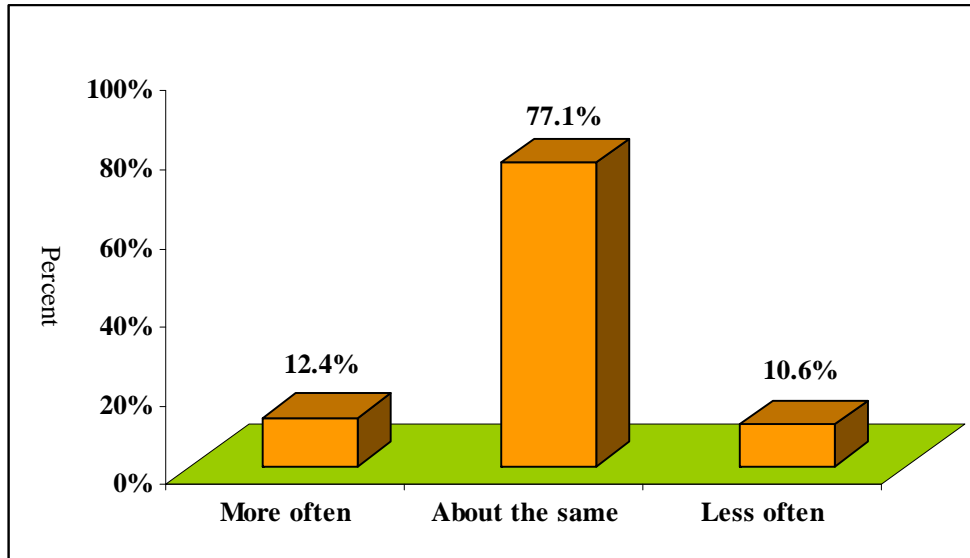
Frequency of Going to Restaurants, Bars, Night Clubs, Bowling Alleys, Bingo Halls and Keno Establishments

Nebraskans were also asked if the law would change how often they went to restaurants, bars, night clubs, bowling alleys, bingo halls, and keno establishments. The results show that the law did not significantly change these behaviors among Nebraskans. The majority indicated that they would frequent these places about the same as they did before the law went into effect.

Restaurants

Figure 2 shows that over 89% said they are going to restaurants as much or more than they did before the law went into effect.

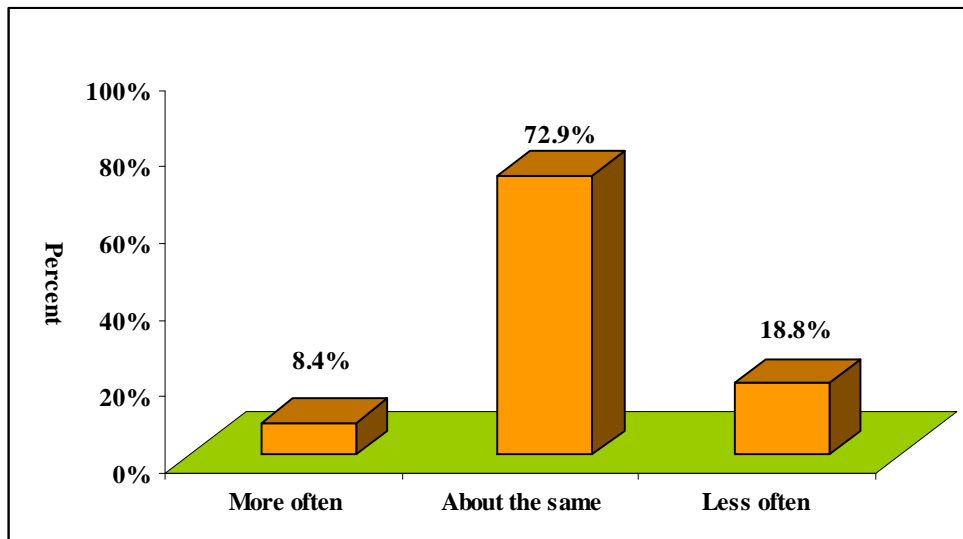
Figure 2: Frequency of Going to Restaurants



Bars or Night Clubs

Figure 3 shows that over 81 percent of Nebraskans frequent bars or night clubs as much or more as they did before the law went into effect.

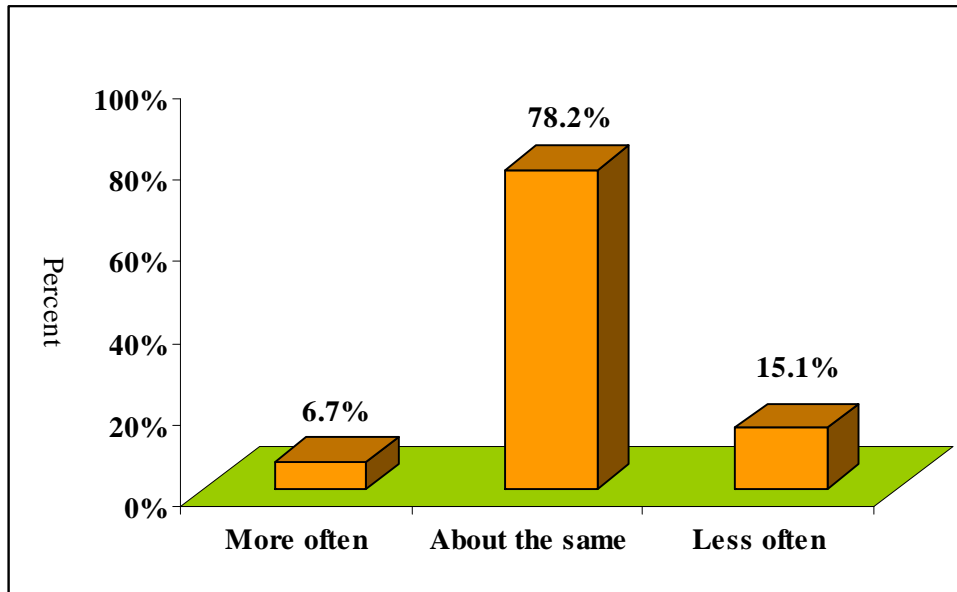
Figure 3: Frequency of Going to Bars and Night Clubs



Bowling Alleys, Bingo Halls or Keno Establishments

Almost 85 percent of Nebraskans indicated that they went to bowling alleys, bingo halls and keno establishments as frequently or more frequently than they did before the law went into effect.

Figure 4:
Frequency of Going to Bowling Alleys, Bingo Halls, Keno Establishments



Quitting Smoking

The U.S. Surgeon General concluded in 2006 that workplace smoking restrictions lead to less smoking among covered smokers. The Nebraska Tobacco Quitline is a resource that helps tobacco users quit and stay quit. The Quitline provides individualized, telephone-based counseling; self-help materials; and referrals to community programs. After Nebraska's Smoke-Free Air Law went into effect, a question was added to the Quitline intake form asking callers if the new clean air law influenced their decision to call the Quitline. Nearly 16 percent of callers from July 1 to October 31, 2009, said the law influenced their decision to call the Quitline as can be seen in Table 5.

Table 5: Callers Influenced to Call the Nebraska Tobacco Quitline as a Result of the New Law

	Callers	Percent
Yes	84	15.6%
No	453	84.4%
Total	537	100%

Conclusion

Based on the data collected, Nebraska's law was successfully implemented with a low number of complaints. It shows:

- There is public support for the law.
- People recognize the importance of the law.
- The public believes that the law is making work places healthier.
- The frequency of going to bars, restaurants and gaming establishments is not significantly impacted by the law.
- For some tobacco users, the law is an impetus to quit smoking.

The implementation of Nebraska's Smoke-Free Air Law is a major public health accomplishment and will significantly reduce diseases and deaths in the state.

References

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